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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/863,718      | 05/23/2001  | Rick Korczak         | 47176-00693USP1     | 1494             |

7590

10/10/2003

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| EXAMINER |
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BAXTER, GWENDOLYN WRENN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3632

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/863,718

Applicant(s)

KORCZAK ET AL.

Examiner

Gwendolyn Baxter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-50, 52-61 and 65 is/are allowed.
- 6) ☒ Claim(s) 51, 62 and 66-70 is/are rejected.
- 7) ☒ Claim(s) 63 and 64 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 23.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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This is the third office action for serial number 09/863,718, Stackable Transmission Line Hanger, filed on May 23, 2001. This application is a Continuation-In-Part of 09/430,496, October 29, 1999 now Patent 6,354,543 which is a Continuation-In-Part of 09/229,843, January 12, 1999.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claim 51 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,393,021 to Nelson. The present invention reads on Nelson as follows: Nelson teaches a line hanger having a generally U-shaped body (40) with arms which grip a line (12), distal ends of which arms have barbs (34) structured to snap lock onto an edge of an opening in a line support (30). Each barb has an edge engaging surface which is notched (28).

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Claim 62 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,257,530 B1 to Tsai. Tsai teaches a snap in line hanger having a generally U-shaped body (20) with arms which grip a line (30). The distal ends of the arms (23) have barbs (231) structured to snap lock onto an edge of an opening in a line support (10). Each of the hanger arms has rigid means (232) structured to abut an opposite surface of the edge from that engaged by a barb and create a fixed pivot point or line for the hanger when side loaded.

Claims 66, 67, and 69 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,746,701 to Carpenter. The present invention reads on Carpenter as follows: Carpenter teaches a hanger having a generally U-shaped body (1) with side members (4) which grips an elongated article (17). The distal ends (9, 10) is structured to lock into an opening in a support structure (20). The distal ends is structured to engage a back peripheral surface around the opening and each having at least one substantially straight outwardly angled stiff stand off tab (7,8) which engages a front peripheral surface of the support structure at a distance from the opening. Each of the members has two such tabs and the makes line engagement with the surface.

Claim 70 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,563,240 to Heath. The present invention reads on Heath as follows: Heath teaches a hanger having a generally U-shaped body (1) has a retention section (1,6) adapted to engage an article. A pair of legs (5) extends from the retention section. The retentions section includes integral spring fingers (6). The distal end of the legs is structured to lock into an opening (7) in a support

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structure (8). The legs each have between the retention section and the distal end an extension section (3) which substantially increases a length of the leg, thereby decreasing an insertion force required to insert the hanger into the opening.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 68 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter in view of Tsai. Carpenter teaches the limitations of the base claim, excluding the tab having a stiffening provision.

Tsai teaches tabs 232 having a gusset (not numbered) located therein. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the tab as taught by Carpenter to have incorporated the gusset as taught by Tsai for the purpose of reinforcing the tab members.

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*Allowable Subject Matter*

Claims 1-50 52-61 <sup>and 70</sup> and 65 are allowed.

Claims 63 and 64 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter of independent claims 40, 45 and 57: the prior art of record fails to teach the stacking provision located in a region where the arms are joined and configured to retentively engage a second hanger supporting a second line or an outwardly extending brace being rigid and structured to dig into the opposite surface when the hanger is side loaded.

*Response to Arguments*

Applicant's arguments with respect to claims 51, 62, and 66-70 have been considered but are moot in view of the new grounds of rejection.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is (703) 308-0702. The examiner can normally be reached Monday-Friday from 8:30 A.M. to 5:00 P.M. Eastern Time Zone.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113. The fax phone number for this Group is (703) 305-3597.

GB

July 25, 2003

GWENDOLYN BAXTER  
PATENT EXAMINER  
*Art Unit 3632*